

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

AMERICAN CONSULTANTS, LEGAL	§	
LITIGANTS, PARALEGALS,	§	
PROFESSIONAL ADJUSTERS &	§	
FINANCIAL BROKERS and ALEX	§	
MELVIN WADE,	§	
	§	
Plaintiffs,	§	
	§	
VS.	§	CIVIL ACTION NO. H-10-2454
	§	
CAPITAL ONE, N.A.,	§	
	§	
Defendant.	§	

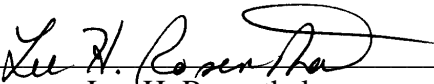
ORDER

One of the plaintiffs, Alex Melvin Wade, is an inmate in the Texas Department of Corrections, serving a 45-year sentence for theft. The conviction and sentence were imposed in February 2010. In this suit, Wade, suing *pro se* and purporting to represent companies he is apparently associated with, sued Capital One, N.A., alleging that it was negligent in refusing to process an insurance draft presented by Wade. Based on the documents that Wade attached to the motion, it appears that this insurance draft was the basis of Wade's fraud conviction in the state court. Wade moved for partial summary judgment in this case, seeking a finding that Capital One, N.A., was negligent and breached its own contract in refusing to process the draft. (Docket Entry No. 5).

Wade also filed what he characterized as a Joint Discovery/Case Management Plan. It is, however, as the defendants point out, not "joint" and cannot be the basis for any Rule 16 order in this case.

The defendants asked for an extension for filing their response to the partial summary judgment motion. That request was granted, without a specific date for response. The defendants' response to the plaintiff's motion is due by **October 29, 2010**. Wade is warned that if this court determines this case to be frivolous, he will be subject to sanctions, including the possibility of monetary sanctions and an order requiring him to obtain permission in advance before he makes any federal-court filing.

SIGNED on September 23, 2010, at Houston, Texas.



Lee H. Rosenthal
United States District Judge